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in point, and is mentioned only because the distinction has sometimes appeared to be ignored. *Ex parte Kuback*, 85 Cal. 274.

It is undeniable that the right of contract is subordinate to certain restrictions which the State may impose in the protection of the public health, safety or morals. With the expansion and increasing complexity of industrial pursuits, the imposition of new and additional restrictions is justified; and thus the undefined limits of the police power become still more vague. The legislation under consideration makes it apparent that the protection of the public health, if not that of the employees themselves, seems to necessitate State regulation of hours of labor in certain private employments where a generation ago such statutes would clearly have been held unconstitutional. And in view of the general disposition of the courts to sustain the validity of such legislation whenever there "are reasonable grounds for believing that the restriction is the result of a proper exercise of the police power of the State," further development of this subject in the near future may fairly be anticipated.

UNCERTAINTY OF BENEFICIARIES IN CHARITABLE TRUSTS.

Thompson's Ex'r v. Brown 24 Ky. Law Rpts. 1066, 70 S. W. 674, (Dec. 3, 1902.). A bequest of the proceeds of certain realty, together with the residue of the testator's estate, to be collected by her executor, "and by him distributed to the poor, in his discretion," is void for indefiniteness of beneficiaries. Buonom and Paynter, J.J., *dissenting*. This case was discussed in the Comment in the March 1903 YALE LAW JOURNAL, 12 Y. L. J. 323, 324, 325, 326, and severely criticised as reaching an incorrect conclusion. The case had been remanded to the Circuit Court of Marion Co., Kentucky, for proceedings in accordance with the decision, and on appeal it again came before the Court of Appeals in Kentucky, which reversed its previous ruling, thus supporting the conclusion of the YALE LAW JOURNAL in its criticism of the previous decision. The later decision is given in *Thompson's Ex'r v. Brown*, 25 Ky. Law Rpts., 75 S. W. 210 (June 17, 1903), 62 L. R. A. 398.